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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,250	01/14/2002	Ravi Verma	NAI1P244/01.238.01	6325
28875	7590	07/15/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			SZYMANSKI, THOMAS M	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/047,250

**Applicant(s)**

VERMA, RAVI

**Examiner**

Thomas Szymanski

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/14/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-26 have been examined.

#### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The applicant is requested to review the specification and update the status of all co-pending applications made mention of, replacing attorney docket numbers with current U.S. application or patent numbers when appropriate. References to U.S. applications or patents should make it clear as to what the number refers (e.g. U.S. Patent No. #), instead of listing only the number.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 9-12, 14-15, 17-18, and 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 9-12 recite the limitation "The License Enforcement Server". There is insufficient antecedent basis for this limitation in the claim. The claims as disclosed appear to be misnumbered. The examiner has taken these claims to refer back to claim 8.
7. Claims 14-15 recite the limitation "The Computational Device". There is insufficient antecedent basis for this limitation in the claim. The claims as disclosed appear to be misnumbered. The examiner has taken these claims to refer back to claim 13.
8. Claims 17-18 recite the limitation "The Method". There is insufficient antecedent basis for this limitation in the claim. The claims as disclosed appear to be misnumbered. The examiner has taken these claims to refer back to claim 16.
9. Claims 20-21 recite the limitation "The Operating System". There is insufficient antecedent basis for this limitation in the claim. The claims as disclosed appear to be misnumbered. The examiner has taken these claims to refer back to claim 19.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen U.S. Patent No. 5,758,069.

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12. Regarding claim 1: License enforcement server connected to the network (Fig 1 104, Col 3 lines 42-53)

A database (Fig 1 112, Col 3 lines 54-55).

A client connected to the network (Fig 1 106, Col 3 lines 54-60)

An instruction set for receiving and sending messages related to the licensed activity (Col 3 lines 54-67 Col 4 lines 1-30, Col 6 lines 2-19, Fig 3) Olsen provides an instruction set that allows the client to communicate with the licensing server through a messaging system and the server utilizes the given instructions to formulate license information to provide back to the client.

13. Regarding claims 2-3: The server being of a combined system with a primary domain controller and address server (Col 3 lines 49-53, 59-63, Col 7 lines 4-24, Fig 5 506) The system as described being resident on a PDC and address server is provided for within the system of Olsen by the implementation of Novell Netware on the server that is acting as a license server. Novell provides for domain control per the user system provided as well as the directory services that provide for addresses of all members.

14. Regarding claim 4: A second license enforcement server (Col 3 lines 50-53) Olsen provides for a multiple server environment as would be common place amongst any such network configuration.

15. Regarding claim 5: License enforcement server is integrated with the operating system. (Col 3 lines 59-61) Within Olsen's implementation the license enforcement server is integrated into Novell as a module. Since Novell is an integrated part of the operating system of the server this would then extend to those parts of Novell such as the provided licensing system.

16. Regarding claim 6: A namespace tree for identifying licensed activity (Col 5 lines 11-20)

Olsen states that the system set forth is suitably comprised of any database that can store licensing information. Therefore, the system of Olsen provides for a namespace tree as means for identifying licensed activity.

17. Regarding claim 7: A license enforcement gateway couple to the license enforcement server (Col 2 lines 44-59, Col 7 lines 50-67) A gateway is provided for access of one license enforcement server to another for when a license is not available on the given server. Thus providing an interconnection via this gateway to allow communication between servers and issuance of a license.

18. Claims 8-12, 13-15, 16-18, 19-21, and 22-26 are a recitation of claims 1-7 and as such are rejected on the same basis.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of art disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

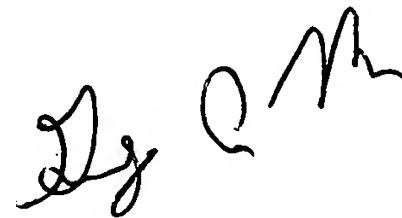
20. Inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas M. Szymanski who can be reached at (571) 272-8574. The examiner's normal working schedule is between the hours 8:00am – 4:30pm (EST), Monday – Friday.

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21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL



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